

Appl. No. 09/898,878  
Reply Filed: September 18, 2006  
Reply to Office Action of: April 18, 2006

### REMARKS

In response to the Office Action of 18 April 2006, the Applicant submits this Reply. In view of the foregoing amendments and following remarks, reconsideration is requested.

Claims 1-18 remain in this application, of which claims 1, 6, 11 and 15 are independent. No fee is due for claims for this amendment.

#### Rejection Under 35 U.S.C. §102

Claims 1, 6, 11 and 15, all of which are independent, were rejected under 35 U.S.C. §102 in view of U.S. Patent 5,164,839 ("Lang"). The rejection is respectfully traversed.

In the portion of Lang cited in the Office Action, Lang states:

"During the foregoing procedures, DCU 14 may be utilized for editing operations. As the program is being read from the first or original recording media, it is simultaneously viewed on the TV screen, or listened to by means of an audio monitor, converted to digital signals, compressed and stored in memory 13. Once the digital audio/video program is stored in memory 13, editing is accomplished by the user through control of DCU 14, by means of a control panel (not shown) coupled to DCU 14. If desired, additional audio/video signals may be simultaneously entered into memory 13 and added to those received from VCU 12. The additional signals may be introduced from auxiliary digital input port 17 or from fiber optic input/output port 18 and may comprise video captions for super imposed position upon the stored video images, or they may be audio commentaries to be added to silent video presentations. In addition, as mentioned above, the order in which various segments appear in the video programs may be altered. Certain undesired segments, such as TV commercials, may be removed. This editing operation is accomplished under the control of DCU 14."<sup>1</sup>

In the Office Action, it is asserted that this cited portion of Lang teaches the *user interface for allowing user input of an attribute for storage with the clip, wherein the attribute is a value selected by the user from a set of three or more ordered values indicative of an assessment by the user of merit of the clip* as recited in claims 1 and 6.

As is evident from the excerpt from Lang above, although Lang teaches that a user may input a video caption or audio commentaries, or may change the order of segments, Lang does not teach that a user may input an attribute which is *a value selected by the user from a set of three or more ordered values indicative of an assessment by the user of merit of the clip*. The Action includes a Response to (Applicant) Arguments that focuses on the use of the alternative

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limitation "*or*" in the claims (which has been stricken from the claims), and on the ability of Lang's system to store a plurality of audio commentaries. However, the Action does not address a key argument that an "audio commentary" is not *an ordered value...indicative of an assessment by the user of merit of the clip*. Lang is devoid of any teaching or suggestion of indicating the value of a clip or of associating attribute information<sup>2</sup> such as a merit value data field<sup>3</sup> with the clip. Audio signals are quite simply distinct from *ordered values* indicative of clip merit. Lang's "additional signals" are understood, based upon the quoted passage, to be analog and/or digital signals superimposed upon the underlying video or silent audio soundtrack. Such signals would be expected to be processed (e.g., switching, A/D or D/A converting) as other audio/video signals would be. This is quite different from the claimed *attribute* comprising *a value selected by a user through a user interface*. Furthermore, audio signals alone do not permit ranking as *ordered values* do.

Because Lang fails to teach this limitation of claims 1, 6, 11 and 15, the rejection is traversed.

The remaining claims are dependent claims that are allowable for at least the same reasons.

#### Rejection Under 35 U.S.C. §103

Claims 2-5, 7-10, 12-14 and 16-18, all of which claims dependent claims, were rejected under 35 U.S.C. §103 in view of U.S. Patent 5,802,361 ("Wang") and Lang. The rejection is respectfully traversed.

As noted above, Lang fails to teach at least the limitation found in all of the independent claims that *the attribute is a value selected by the user from a set of three or more ordered values indicative of an assessment by the user of merit of the clip*. Therefore, all of these dependent claims are allowable for at least the same reasons as the independent claims. Although not asserted in the Action, Applicant peremptorily indicates that Wang similarly fails to teach or suggest such a limitation.

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<sup>1</sup> Lang, namely Col. 10, lines 10-32,

<sup>2</sup> Applicant's specification, page 4, line 19.

<sup>3</sup> instant specification, page 29, lines 7-8.

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Wang describes "visual attributes or statistical qualities of images... such as density and distribution of [an image's] colors, the presence and degree of motion between two images, the presence and position of distinct objects, and the like"<sup>4</sup> and a "visual language that allows a user to specify any number of visual image attributes."<sup>5</sup> Such iconic image attributes do not represent *attributes that are values selected by the user from a set of three or more ordered values indicative of an assessment by the user of merit of the clip.*

The Action admits that Lang fails to disclose *means for searching the attributes of the clips according to a desired attribute, and means for displaying an indication of one or more of the clips corresponding to the desired attribute*, but asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Lang by the iconic search inquiry system of Wang in order to provide a user interface that facilitates the creating and modification of a search inquiry using visual attributes. First, as noted above, Wang's "visual attributes" are not the equivalent of *ordered values*. Secondly, there is no evidence in the record that supports such a combination. In fact, Wang actually teaches away from text-based classification of video and from subjective classification judgements of a user<sup>6</sup>. The claimed *attributes*, representing *values selected by the user from a set of three or more ordered values indicative of an assessment by the user of merit of the clip* are the type of subjective classifications that Wang teaches away from.

Accordingly, the rejection is traversed.

#### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee

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<sup>4</sup> Wang, col. 2, ll. 46-51.

<sup>5</sup> Wang, col. 4, ll. 19-21.

<sup>6</sup> Wang, col. 2, ll. 62-65; col. 3, ll. 3-6; col. 3, ll. 32-55.

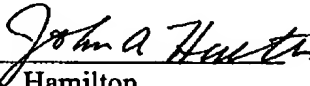
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occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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